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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/734,826	12/11/2000	Thomas Fiedler	PHO 99,556	5531

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
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BRIARCLIFF MANOR, NY 10510

EXAMINER

HARPER, V PAUL

ART UNIT	PAPER NUMBER
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2654

DATE MAILED: 08/27/2003

6

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/734,826

Applicant(s)

FIEDLER, THOMAS

Examiner

V. Paul Harper

Art Unit

2654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12/11/00 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uehara (U.S. 4,961,177) in view of Shirai et al. (JP 411249227A), hereinafter referred to as Shirai, and further in view of Schaffrina (DE 4028670 A1).

Regarding claim 1, Uehara discloses a method for inputting a voice control through a microphone and includes the following: **“functions which may be activated by control commands of which each one is formed at least by one spoken word from a user of the apparatus”** (col. 2, lns. 34-40); **“speech signal input means for inputting speech signals into the apparatus which represent the spoken speech commands”** (col. 2, lns. 29-31, Fig. 1, item 12, a microphone); **“control means connected to the speech signal input means by which control means can be generated control data representing a speech command”** (Fig. 1, item 18, a controller, item 16, col. 3, lns. 31-33, e.g., controlling door, item 36)); **“halting means to which the speech signal input means are mechanically connected, so that the speech signal input means in the presence of a user take up a certain position**

**relative to the user's mouth"** (in Figs. 1 and 2 the servo mechanism, item 14, is connected to the microphone, item 12, and adjusts its position, col. 2, Ins. 41-50); **"characterized in that the apparatus includes guide means by which the halting means are at least in essence guided in vertical direction and in that the apparatus includes adjusting means by which the halting means can be adjusted along the guide means"** (Fig. 2, col. 2, Ins. 41-50 where the servomechanism operates to adjust the direction of the microphone); **"picture recording means . . . by which a certain body area of a user can be recorded, and in that picture evaluation means are provided by which can be established whether the recorded body area lies within a nominal range (XY) and in that in the event of deviations of the position of the recorded body area relative to the nominal range (XY) the adjusting means are provided for adjusting the halting means and, consequently, the connected speech signal input means . . . can be driven by the picture evaluation means (33) to adjust the picture recording means (31) so that the recorded body area lies within the nominal range (XY)"** (Figs. 2 and 3, col. 2, In. 41 through col. 3, In. 11 where image processing is used to determine the position of the mouth and determines the direction of the microphone). But Uehara does not specifically teach **"picture recording means are provided which are mechanically connected to the halting means ... consequently, the . . . picture recording means can be driven by the picture evaluation means to adjust the picture recording means so that the recorded body area lies within the nominal range (XY)."**

However, the examiner contends that this concept was well known in the art, as taught by Shirai.

In the same field of endeavor, Shirai discloses an image pickup position-adjusting device that vertically moves a camera according the output of a controller so that the subject is in a set position (English abstract, ¶ 10, Figs. 1, 2, and 5).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Uehara by specifically providing the ability to position the picture recording device, as taught by Shirai, since this will improve the accuracy of the images obtained (¶'s 9 and 10).

Furthermore, Uehara does not specifically teach **“the connected speech signal input means and picture recording means.”** However, the examiner contends that this concept was well known in the art, as taught by Schaffrina.

In the same field of endeavor, Schaffrina discloses a telephone kiosk with a video camera and a microphone mounted in a module that is height adjustable (English abstract, col. 1, Ins. 40-55).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Uehara by specifically mounting the picture recording means and the speech signal input means in a fixed structure, as taught by Schaffrina, since it was well-known that closer proximity of both a camera and a microphone will improve the quality of the data obtained by each device.

Regarding claim 2, Uehara in view of Shirai and Schaffrina teach everything claimed, as applied above (see claim 1). Furthermore, Uehara teaches **“the apparatus**

Art Unit: 2654

**additionally includes speech signal output means for delivering speech signals”**

(Figs. 1 and 2, items **26** and **28**, audio response unit). But Uehara in view of Shirai and Schaffrina do not specifically teach **“the speech signal output means are mechanically connected to the halting means.”** However, the examiner contends that this concept was well known in the art, as taught by Schaffrina.

Schaffrina further discloses that the height adjustable module includes a speaker (English abstract, col. 1, Ins. 40-55).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Uehara in view of Shirai and Schaffrina by specifically providing a speaker connected to the halting means, as taught by Schaffrina, since it was well-known that an appropriately positioned speaker results in improved hearing and greater privacy.

Regarding claim 3, Uehara in view of Shirai and Schaffrina teach everything claimed, as applied above (see claim 1). But Uehara in view of Shirai and Schaffrina do not specifically teach **“that the apparatus includes input means for inputting alphanumerical signs and in that the input means are mechanically connected to the halting means.”** However, the examiner contends that this concept was well known in the art, as taught by Schaffrina.

Schaffrina further discloses that the height adjustable module includes a keypad (English abstract, col. 1, Ins. 40-55).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Uehara in view of Shirai and Schaffrina by

Art Unit: 2654

specifically providing a means of inputting alphanumerical signs, as taught by Schaffrina, since it was well-know that keypad entry of alphanumerical signs might be faster than data entry by speech recognition.

Regarding claim 4, Uehara in view of Shirai and Schaffrina teach everything claimed, as applied above (see claim 1). But Uehara in view of Shirai and Schaffrina do not specifically teach **“the apparatus includes a communication station for contact-bound communication with a contact-bound chip card and in that the communication station is mechanically connected to the halting means.”**

However, the examiner contends that this concept was well known in the art, as taught by Schaffrina.

Schaffrina further discloses that the height adjustable module includes support for input by means of cards (English abstract, col. 1, Ins. 40-55).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Uehara in view of Shirai and Schaffrina by specifically providing a means of data entry using cards, as taught by Schaffrina, since it was well-know that the use of cards can make some communications interactions more convenient.

Regarding claim 5, Uehara in view of Shirai and Schaffrina teach everything claimed, as applied above (see claim 1). But Uehara in view of Shirai and Schaffrina do not specifically disclose **“that the apparatus includes display means for displaying data and in that the display means are mechanically connected to the halting**

**means.”** However, the examiner contends that this concept was well known in the art, as taught by Schaffrina.

Schaffrina further discloses that the height adjustable module includes a screen (monitor) (English abstract, col. 1, Ins. 40-55, Fig. 1, item 6).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Uehara in view of Shirai and Schaffrina by specifically providing a monitor, as taught by Schaffrina, since it was well-known that the use of monitor can give a user feedback during data entry and communications making the interactions more reliable.

2. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Uehara in view of Shirai and Schaffrina and further in view of Shneiderman (“Touchscreens now offer compelling uses,” March 1991).

Regarding claim 6, Uehara in view of Shirai and Schaffrina teach everything claimed, as applied above (see claim 1). But Uehara in view of Shirai and Schaffrina do not specifically disclose **“that virtual input means can be realized with the display means.”** However, the examiner contends that this concept was well known in the art, as taught by Shneiderman.

In the same field of endeavor, Shneiderman teaches the use of a touchscreen for the purpose of inputting alphanumeric data (p. 158, ¶s 1 and 4, p. 159, ¶ 3, p. 161, ¶ 3 and Fig. 5 where a touchscreen can be used as a virtual input means as interpreted from the specification p. 3, Ins. 20-23).



Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Uehara in view of Shirai and Schaffrina by specifically providing a touch screen along with a display, as taught by Shneiderman, since it was well-known that the use of a touchscreen with monitor requires less hand-eye coordination than a keyboard (p. 158, ¶s1-4).

### ***Citation of Pertinent Art***

3. The following prior art made of record but not relied upon is considered pertinent to the applicant's disclosure:

- McNaughton (U.S. Patent 6,296,079) discloses a self-service terminal with a drive arrangement for adjusting the position and orientation of the user interfacing element relative to the height of the user.
- Peters (U.S. Patent 6,243,683) discloses a system with video input to focus a microphone array based on the position of the user.
- Masthoff et al. (U.S. Patent Application Publication) discloses a voice control for inputting commands such as up and down.
- Roger et al. (U.S. Patent 6,494,363) discloses a self-service terminal with a locating mechanism to focus an acoustic element to a user's location.

### ***Conclusion***

Any response to this office action should be mailed to:

Art Unit: 2654

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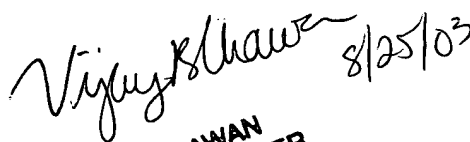
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. V. Paul Harper whose telephone number is (703) 305-4197. The examiner can normally be reached on Monday through Friday from 8:00 a.m. to 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil, can be reached on (703) 305-9645. The fax phone number for the Technology Center 2600 is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service office whose telephone number is (703) 306-0377.



VPH/vph  
August 22, 2003



VIJAY CHAWAN  
PRIMARY EXAMINER